IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 590 of 2004

In

Suit No.2219 of 2000

Dudhanath Kallu Yadav ..Plaintiff

V/s

1. Ramashankar Ramdhar Yadav

and Ors. ..Defendant

And

Kilachand Fekruam Yadav ..Respondent

Sudesh with M.Londhe for Plaintiff

Y.M.Chaudhari for Defendant

CORAM:S.U.KAMDAR,J.

DATED: 8th February 2005

P.C.:-

. The present Chamber Summons has been taken out for deletion of name of defendant no.5 and implead the applicant in place of defendant no.5. The applicant claimed to be legal heirs of deceased Yashodadevi Fekuram Yadav i.e. original defendant no.5. The applicant produced certain documents to indicate that he is son of said defendant no.5. Prima facie I am convinced that applicant is son of defendant no.5.

. However, the learned Advocate for the plaintiff states that he is not the son of defendant no.5 but son one Jagannath Kallu Yadav, who is defendant no.6. In any event the said issue can be decided at the time of trial.

. In so far as present Chamber Summons is concerned, I grand the same in terms of prayer clause (a) as I am prima facie satisfied that the applicant is legal heir of deceased defendant no.5.

. Hence the Chamber Summons is made absolute accordingly with no order as to costs.

(S.U.KAMDAR,J.)